

OPPENHEIMER

Oppenheimer Wolff & Donnelly LLP
45 South Seventh Street, Suite 1300
Minneapolis, Minnesota 55402-1639
www.Oppenheimer.com
Main: (612) 607-7150
Fax: (612) 607-7150

SEP-28-2002 14:53

DWD LLP

P. 01/02

FAX COVER LETTER

September 28, 2007

TO: Examiner Ahmed M Farah
Commissioner for Patents - Art Unit 3735
571-273-8300

FROM: Adam P. Kiedrowski
DIRECT DIAL: 612-607-7302
E-MAIL: AKiedrowski@Oppenheimer.com
RE: Serial No. 10/701,834
Our Ref. 22163-3005-US

CERTIFICATE OF TRANSMISSION

I hereby certify under 37 CFR 1.8 that this correspondence is being facsimile transmitted to
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number 571/273-
8300 on September 28, 2007.


Teresa Herron

September 28, 2007
Date

1. Terminal Disclaimer
2. Authorization to charge Deposit Account 50-1901 for the Terminal Disclaimer in the amount of \$130.00

This facsimile contains confidential information intended only for the use of the addressee(s) named above and may contain information that is legally privileged. If you are not the addressee or the person responsible for delivering it to the addressee you are hereby notified that reading, disseminating, distributing or copying this facsimile is strictly prohibited. If you have received this facsimile by mistake, please immediately notify us by telephone and return the original message to us at the address above via the Postal Service (we will reimburse postage). Thank you.

PAGE 1/2 * RCVD AT 9/28/2007 3:30:55 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/14 * DNIS:2738300 * CSID: * DURATION (mm:ss):00:54

RECEIVED
CENTRAL FAX CENTER

SEP 28 2007

10/02/2007 CCHAU1 00000073 501901 10701834
01 FC:2814 65.00 DA

Originals: Not being sent Sent by: Post Office Messenger Air Courier E-Mail

Completed by : Teresa Herron/7525

You should receive 2 page(s) including this page.
If the transmission is incomplete, please call 612.607.7325 as soon as possible.

TERMINAL DISCLAIMER TO OBFVATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT

Under the Patent, Trademark, and Copyright Act of 1995, no person is required to record or file a document with the U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE, unless it is required by a contract or agreement.

In re Application of: **Terri G. Tondis**

Application No. **10/701,834**

Filed: **11/15/2003**

For: **HYPERHERMIA TREATMENT AND PROBE THEREFOR**

The owner, **Yondene Medical Inc.**, of **100 percent interest** in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the prior patent No. **7,167,741** and at the term of said prior patent, as defined in 35 U.S.C. '54 and '73, end at the term of said prior patent is hereby shortened by any terminal disclaimer. The owner hereby agrees that any prior patent is granted on the instant application shall be enforceable only for and during such period that it and the prior patent are co-owned by **Terri G. Tondis**. It is agreed that the prior patent is granted on the instant application that would extend to the expiration of the term of any patent granted on the instant application that would extend to the expiration of the full statutory term as defined in 35 U.S.C. 156 and 173 of the prior patent, as the term of said prior patent later expires or fails to pay a maintenance fee.

Is held under a lease; is owned by a court of competent jurisdiction; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or in part by disclaimer or certificate; has all claims cancelled by a reexamination certificate; is disclaimed; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate

1. For submissions or behalf of a business organization (e.g., corporation, partnership, university, government, agency, etc.), the undersigned is empowered to act on behalf of the business organization

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements are illegal under Section '01 of Title 13 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

2. The undersigned is an attorney or agent of record. Reg. No. **60296**



Adam P. Krajcikski
Typed or printed name

2023/007
Date

612-867-7302
Telephone Number

Terminal disclaimer fee under 37 CFR 1.2(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if a terminal disclaimer is signed by the assignee (owner). Form PTO/SB/28 may be used for mailing this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.32. The information is required to obtain or retain a benefit by law which may be available to persons who file or use a terminal disclaimer. This collection is estimated to take 12 minutes to complete, including time for preparing and submitting the terminal disclaimer application form to the USPTO. This will vary depending upon the individual case. Any comments or ideas you have concerning this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, 1100 L Street, N.W., Washington, D.C. 20591-1500. DO NOT SEND FEES OR COPIES TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-P-TO-8199 and select option 2.

PAGE 2/2 * RCVD AT 9/28/2007 3:30:55 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/14 * DNIS:2738300 * CSID: * DURATION (mm:ss):00:54

TTAI P. 02

RECEIVED
CENTRAL FAX CENTER

SEP 28 2007